

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 24, 2004

IN RE:

TARIFF TO RECLASSIFY RATE GROUPING
OF CERTAIN BELL SOUTH EXCHANGES -
TARIFF NUMBER 20040055

)
)
)
)
)

DOCKET NO.
04-00015

ORDER RE-SUSPENDING TARIFF AND SETTING
PROCEDURAL SCHEDULE

This matter is before the Hearing Officer¹ upon a joint request for a procedural schedule presented by BellSouth Telecommunications, Inc. ("BellSouth") and the Consumer Advocate Division of the Office of the Attorney General ("Consumer Advocate") at a status conference held on February 20, 2004

Background

On January 15, 2004, BellSouth filed a *Tariff to Reclassify Rate Grouping of Certain BellSouth Exchanges – Tariff Number 20040055* ("Tariff"). The Consumer Advocate filed a *Complaint and Petition to Intervene* on January 26, 2004. BellSouth filed a response on February 6, 2004 and the Consumer Advocate filed a reply on February 9, 2004. On February 18, 2004, United Telephone- Southeast, Inc. ("United") was granted permission to intervene in this matter.

¹ At a regularly scheduled Authority Conference held on February 9, 2004, the voting panel assigned to this Docket unanimously voted to open a contested case and to appoint Director Pat Miller to act as Hearing Officer to hear preliminary matters prior to the Hearing, to rule on any petitions for intervention, and to set a procedural schedule to completion.

Procedural Schedule

At a status conference held on February 20, 2004, BellSouth and the Consumer Advocate agreed that each of them would file a motion for summary judgment by March 2, 2004. They further agreed that responses to the motions for summary judgment would be filed by March 9, 2004. BellSouth and the Consumer Advocate asked to reserve the right to request discovery if discovery is necessary for a party to respond to an argument or an issue raised in the motions for summary judgment. If no discovery is needed, oral arguments on the motions for summary judgment would be scheduled before the panel on March 12, 2004, with deliberations by the panel scheduled for March 22, 2004, if the members of the panel are available on those dates.

The Hearing Officer finds that such an agreement and schedule will allow these proceedings to move forward in a timely and efficient manner and, therefore, the joint request of BellSouth and the Consumer Advocate should be granted.

Suspension of Tariff

On February 18, 2004, the *Tariff* that is the subject of this proceeding was suspended through February 23, 2004. Because of the procedural schedule set forth in this Order, the proceedings in this docket are continuing and the *Tariff* must be re-suspended. Therefore, the Hearing Officer hereby suspends the *Tariff* through March 22, 2004.

IT IS THEREFORE ORDERED THAT:

1 A procedural schedule is hereby adopted, as follows:

March 2, 2004

Motions for summary judgment shall be filed by BellSouth and the Consumer Advocate and served on all parties.

March 9, 2004

Responses to the motions for summary judgment shall be filed by BellSouth and the Consumer Advocate and served on all parties

March 11, 2004

Requests for discovery, if needed, shall be filed by BellSouth and the Consumer Advocate by 2 00 p m and served on all parties If a request for discovery is filed, the remainder of the procedural schedule shall be suspended pending further action of the Hearing Officer

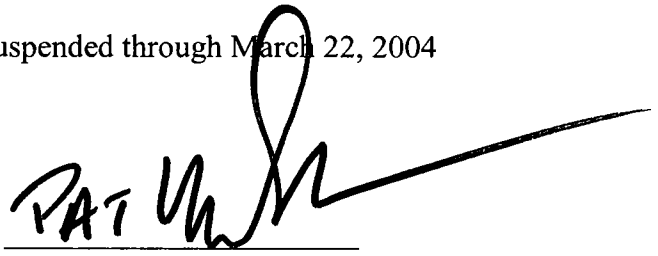
March 12, 2004

Oral arguments on the motions for summary judgment will be scheduled **tentatively** for this date before the panel, assuming that no request for discovery is made by March 11, 2004 and that members of the panel are available

March 22, 2004

Deliberations on the motions for summary judgment will be scheduled **tentatively** for this date before the panel, assuming oral arguments are held on March 12, 2004 and that the members of the panel are available

2 Tariff Number 20040055 is hereby suspended through March 22, 2004


Pat Miller, Director
As Hearing Officer